

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received:	5/21/2013	Received By:	mshovers
Wanted:	As time permits	Same as LRB:	
For:	Legislative Fiscal Bureau 7-7597	By/Representing:	Olin (FA)
May Contact:		Drafter:	emueller
Subject:	Local Gov't - counties Local Gov't - munis generally	Addl. Drafters:	
		Extra Copies:	MES

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to:

Pre Topic:

LFB:.....Olin (FA) -

Topic:

Motion # 159; Levy limits; adjustment for certain fee revenue

Instructions:

See attached. Paper # 605. Levy limits; adjustment for certain fee revenue

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	emueller 5/31/2013	evinz 5/30/2013	jmurphy 5/30/2013	_____	lparisi 5/30/2013		
/2	emueller 5/31/2013	evinz 5/31/2013	phenry 5/31/2013	_____	mbarman 5/31/2013		
/3	chanaman 6/11/2013	jdye 6/11/2013	phenry 6/11/2013	_____	lparisi 6/3/2013		
/4	chanaman	evinz	jmurphy	_____	lparisi		

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	6/13/2013	6/13/2013	6/13/2013	_____	6/11/2013		
/5				_____	srose		
				_____	6/13/2013		

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/3	chanaman 6/11/2013	jdyer 6/11/2013	phenry 6/11/2013	_____	lparisi 6/3/2013		
/4		15 eev 6/13/13	Jim 6/13	self	lparisi		

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6/11/2013

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13 EVM
 FE Sent For: 5/31/13 13 eev
 6/3/13
 4 6/11 jld
 PH/RS
 9/11 ph
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Local Gov't - munis generally

Addl. Drafters:

Extra Copies: **EVM** MESSubmit via email: **YES**Requester's email: **Legislative Fiscal Bureau**

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12	EVM 5/31/13	12 eeV 5/31/13	5/31 ph	ph/ff			

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/1 emueller

1/1 EVM
5/30/13

FE Sent For:

1/1 eev
5/30/13

pm
5/30
self

<END>

SHARED REVENUE AND TAX RELIEF -- PROPERTY TAXATION

County and Municipal Levy Limit -- Adjustment for Certain Fee Revenue
[LFB Paper #605]

Motion:

Move to require a county or municipality to reduce its allowable levy by the amount of any fee revenue in its budget if the fee revenue is designated to fund certain enumerated services that were funded with property tax revenues in calendar year 2013. Designate garbage collection, fire protection, snow plowing, street sweeping, and storm water management as the enumerated services. The proposed adjustment would be waived if the county or municipality imposing the fee has the funding transfer approved at referendum. The proposed modification would take effect with levies adopted in 2013.

In addition, require a county or municipality to reduce its allowable levy by the amount of any revenue from payments in lieu of taxes in its budget if the payments in lieu of taxes are designated to fund certain enumerated services that were funded with property tax revenues in calendar year 2013. Designate garbage collection, fire protection, snow plowing, street sweeping, and storm water management as the enumerated services. The proposed adjustment would be waived if the county or municipality imposing the payments in lieu of taxes has the funding transfer approved at referendum. The proposed modification would take effect with levies adopted in 2013.

Note:

This motion is identical to Motion #90 with one exception. It clarifies that the adjustment applies prospectively to services where there is a funding change after calendar year 2013. Services where there was a funding transfer before 2013 would not be affected.

Since the 2005(06) property tax year, DOR has administered a levy limit program that restricts the year-to-year increases in county and municipal property tax levies. The limitation prohibits any county or municipality from increasing its "base" levy in any year by more than the percentage change in the local government's January 1 equalized value due to new construction, less improvements removed, between the prior year and the current year, but not less than zero percent. The base levy is defined as the prior year actual levy for the county or municipality. State law authorizes a number of adjustments and exclusions to the limit. The proposal would create two additional adjustments to the limit by requiring a county or municipality to reduce its allowable levy by the amount of any fee revenue or payments in lieu of taxes in its budget if the fee or payment revenues are designated to fund certain enumerated services that were funded with property tax revenues in any year prior to December 31, 2012. The enumerated services are garbage collection, fire protection, snow plowing, street sweeping, and storm water management. The proposed adjustment would be waived if the county or municipality imposing the fee has the funding transfer approved at referendum. The proposed modification would take effect with levies adopted in 2013.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0142/1

EVM:.....

Leev

LFB:.....Olin (RR) – Motion # 159; Levy limits; adjustment for certain fee revenue

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

RMR

In 5/30/13

1 At the locations indicated, amend the bill as follows:

2 1. Page 631, line 7: delete lines 7 to 16 and substitute:

3 “SECTION 1271m. 66.0602 (2m) of the statutes is renumbered 66.0602 (2m) (a)

4 and amended to read:

5 66.0602 (2m) (a) NEGATIVE ADJUSTMENT. If a political subdivision's levy for the
6 payment of any general obligation debt service, including debt service on debt issued
7 or reissued to fund or refund outstanding obligations of the political subdivision and
8 interest on outstanding obligations of the political subdivision, on debt originally
9 issued before July 1, 2005, is less in the current year than it was in the previous year,
10 the political subdivision shall reduce its levy limit in the current year by an amount
11 equal to the amount that its levy was reduced as described in this subsection. This

1 ~~subsection does not apply to any political subdivision that does not increase its levy~~
2 ~~increase limit as allowed under sub. (3) (f) 1.~~

History: 2005 a. 25, 484; 2007 a. 20, 115, 129; 2009 a. 28; 2011 a. 32, 63, 75, 140, 145, 258; s. 13.92 (1) (bm) 2.

3 **SECTION 1271p. 66.0602 (2m) (b)** of the statutes is created to read:

4 66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage
5 collection, fire protection, snow plowing, street sweeping, or storm water
6 management.

7 2. Except as provided in subd. 4., if a political subdivision imposes a fee for
8 providing a covered service that was funded by the levy of the political subdivision
9 in calendar year 2013, the political subdivision shall reduce its levy limit in the
10 current year by an amount equal to the estimated amount of fee revenue collected
11 for providing the covered service.

12 3. Except as provided in subd. 4, if a political subdivision receives payments in
13 lieu of taxes designated for providing a covered service that was funded by the levy
14 of the political subdivision in calendar year 2013, the political subdivision shall
15 reduce its levy limit in the current year by the estimated amount of payments in lieu
16 of taxes collected for providing the covered service.

17 4. The requirement under subd. 2. or 3. does not apply if the governing body
18 of the political subdivision adopts a resolution that the levy limit should not be
19 reduced and if the resolution is approved in a referendum. The procedure under sub.
20 (4) applies to a referendum under this subdivision, except that the resolution and
21 referendum question need not specify an amount of increase in the levy limit or the
22 length of time for which the levy limit increase will apply."✓

23 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0142/1dn

EVM:/:.....

eev

date

ATTN: Rick Olin

I am not certain this draft quite accomplishes the intent of the motion. As currently drafted, it is possible that a levy reduction will occur every year that a fee is imposed for a covered service that was funded by the levy in 2013. Should this occur only the first time a covered service is changed to fee revenue? Or is there to be a running tab of some sort? Also, I appended the referendum procedure from s. 66.060~~1~~ (4) and modified it to fit the newly created provision. Please let me know if you need any changes.

2

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0142/1dn
EVM:eev;jm

May 30, 2013

ATTN: Rick Olin

I am not certain this draft quite accomplishes the intent of the motion. As currently drafted, it is possible that a levy reduction will occur every year that a fee is imposed for a covered service that was funded by the levy in 2013. Should this occur only the first time a covered service is changed to fee revenue? Or is there to be a running tab of some sort? Also, I appended the referendum procedure from s. 66.0602 (4) and modified it to fit the newly created provision. Please let me know if you need any changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0142(1) 12

EVM:eev:jm

stays RMR

LFB:.....Olin (RR) – Motion # 159; Levy limits; adjustment for certain fee revenue

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

(in 5/31/13)

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 631, line 7: delete lines 7 to 16 and substitute:
- 3 **“SECTION 1271m.** 66.0602 (2m) of the statutes is renumbered 66.0602 (2m) (a)
- 4 and amended to read:
- 5 66.0602 (2m) (a) If a political subdivision’s levy for the payment of any general
- 6 obligation debt service, including debt service on debt issued or reissued to fund or
- 7 refund outstanding obligations of the political subdivision and interest on
- 8 outstanding obligations of the political subdivision, on debt originally issued before
- 9 July 1, 2005, is less in the current year than it was in the previous year, the political
- 10 subdivision shall reduce its levy limit in the current year by an amount equal to the
- 11 amount that its levy was reduced as described in this subsection. ~~This subsection~~

1 does not apply to any political subdivision that does not increase its levy increase
2 limit as allowed under sub. (3) (f) 1.

3 **SECTION 1271p.** 66.0602 (2m) (b) of the statutes is created to read:

4 66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage
5 collection, fire protection, snow plowing, street sweeping, or storm water
6 management.

7 2. Except as provided in subd. 4., if a political subdivision imposes a fee for
8 providing a covered service that was funded by the levy of the political subdivision
9 in ~~calendar year~~ 2013, the political subdivision shall reduce its levy limit in the
10 current year by an amount equal to the estimated amount of fee revenue collected
11 for providing the covered service. *reductions made*
less any previous reductions made under this subsection

12 3. Except as provided in subd. 4, if a political subdivision receives payments in
13 lieu of taxes *that are to pay for* designated for providing a covered service that was funded by the levy
14 of the political subdivision in ~~calendar year~~ 2013, the political subdivision shall
15 reduce its levy limit in the current year by the estimated amount of payments in lieu
16 of taxes *received by the political subdivision* collected for providing the covered service. *less any previous reductions made*
under this subsection

17 4. The requirement under subd. 2. or 3. does not apply if the governing body
18 of the political subdivision adopts a resolution that the levy limit should not be
19 reduced and if the resolution is approved in a referendum. The procedure under sub.
20 (4) applies to a referendum under this subdivision, except that the resolution and
21 referendum question need not specify an amount of increase in the levy limit or the
22 length of time for which the levy limit increase will apply."

23 (END)

*and the referendum question need not follow
the question format under sub. (4)(c)*

Mueller, Eric

From: Olin, Rick
Sent: Friday, May 31, 2013 10:39 AM
To: Mueller, Eric
Cc: FA (Fred.Ammerman@legis.wisconsin.gov)
Subject: RE: LRBb0142/1 Levy Limit Draft Re Fees

Eric:
I'm sorry, but I left one change out. On page 2, lines 11 and 16, could you add the phrase ",less any previous reductions made under this subdivision." Thanks

From: Olin, Rick
Sent: Friday, May 31, 2013 9:44 AM
To: Mueller, Eric
Cc: 'FA'
Subject: LRBb0142/1 Levy Limit Draft Re Fees

Hi Eric:
Fred and I have discussed your draft and think we are almost home. The motion involved a difficult concept and your draft captures its intent. However, could you please move the phrase "in calendar year 2013" from lines 9 and 13 to after the word "funded" on lines 8 and 13 (all on page 2). Because taxes are levied in one year and collected in the subsequent year, we think having this phrase modifying the service, rather than the levy, may avoid confusion in the future. Also, could you add the phrase "and need not follow the question format under subd. (4)(c)" to the sentence ending on line 22, page 2? If you have a more artful way of stating that intent, we would be receptive. Thanks for your efforts on this draft and please let me know if you have questions.

Rick Olin, Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
(608) 266-3847 (general)
(608) 267-7597 (direct)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0142/2

EVM:eev:ph

stays

RMR

regen header
LFB:.....Olin (RR) – Motion # 159; Levy limits; adjustment for certain fee revenue

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11 amount that its levy was reduced as described in this subsection. ~~This subsection~~

1 ~~does not apply to any political subdivision that does not increase its levy increase~~
2 ~~limit as allowed under sub. (3) (f) 1.~~

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5 collection, fire protection, snow plowing, street sweeping, or storm water
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8 providing a covered service that was funded in 2013 by the levy of the political
9 subdivision, the political subdivision shall reduce its levy limit in the current year
10 by an amount equal to the estimated amount of fee revenue collected for providing
11 the covered service, less any previous reductions made under this subsection ^{subdivision} ✓

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17 reductions made under this subsection ^{subdivision} ✓

18 4. The requirement under subd. 2. or 3. does not apply if the governing body
19 of the political subdivision adopts a resolution that the levy limit should not be
20 reduced and if the resolution is approved in a referendum. The procedure under sub.
21 (4) applies to a referendum under this subdivision, except that the resolution and
22 referendum question need not specify an amount of increase in the levy limit or the
23 length of time for which the levy limit increase will apply and the referendum
24 question need not follow the question format under sub. (4) (c).”

25 (END)

Mueller, Eric

From: Ammerman, Fred
Sent: Tuesday, June 11, 2013 3:13 PM
To: Mueller, Eric
Cc: Hanaman, Cathlene; Olin, Rick
Subject: LRB 0142

Eric & Cathlene,

If possible, we would like to make one change to LRB 0142/3. On Page 2, lines 7 & 8, delete "imposes a fee for providing" and substitute "receives revenues that are designated to pay for".

This will make the language for fees parallel to the language for payments in lieu of taxes and is more consistent with the motion language.

Please let me know if you can do this.

Thanks a lot.

Fred

66.0602 (2m)(b) 2.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0142/8
EVM:eev:rs

4
L + jld

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receives revenues that are designated to pay for
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7 2. Except as provided in subd. 4., if a political subdivision *imposes a fee for*
8 *providing* a covered service that was funded in 2013 by the levy of the political
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12 3. Except as provided in subd. 4, if a political subdivision receives payments in
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23 length of time for which the levy limit increase will apply and the referendum
24 question need not follow the question format under sub. (4) (c).”.
25

(END)

Mueller, Eric

From: Ammerman, Fred
Sent: Tuesday, June 11, 2013 5:29 PM
To: Mueller, Eric
Subject: LRB 0142

Eric,

On page 2, line 7 of LRBb0142/4, shouldn't "revenue" be "revenues"? Or else, on line 8, "are" could be switched to "is".

Fred

Stulius



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0142/4
EVM:eev&jld:ph

5
Stays

LFB:.....Olin (FA) – Motion # 159; Levy limits; adjustment for certain fee revenue

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4 and amended to read:

5 66.0602 (2m) (a) If a political subdivision’s levy for the payment of any general
6 obligation debt service, including debt service on debt issued or reissued to fund or
7 refund outstanding obligations of the political subdivision and interest on
8 outstanding obligations of the political subdivision, on debt originally issued before
9 July 1, 2005, is less in the current year than it was in the previous year, the political
10 subdivision shall reduce its levy limit in the current year by an amount equal to the
11 amount that its levy was reduced as described in this subsection. ~~This subsection~~

1 ~~does not apply to any political subdivision that does not increase its levy increase~~
2 ~~limit as allowed under sub. (3) (f) 1.~~

3 **SECTION 1271p.** 66.0602 (2m) (b) of the statutes is created to read:

4 66.0602 (2m) (b) 1. In this paragraph, “covered service” means garbage
5 collection, fire protection, snow plowing, street sweeping, or storm water
6 management.

7 2. Except as provided in subd. 4., if a political subdivision receives revenue ⁵ that
8 are designated to pay for a covered service that was funded in 2013 by the levy of the
9 political subdivision, the political subdivision shall reduce its levy limit in the
10 current year by an amount equal to the estimated amount of fee revenue collected
11 for providing the covered service, less any previous reductions made under this
12 subdivision.

13 3. Except as provided in subd. 4, if a political subdivision receives payments in
14 lieu of taxes that are designated to pay for a covered service that was funded in 2013
15 by the levy of the political subdivision, the political subdivision shall reduce its levy
16 limit in the current year by the estimated amount of payments in lieu of taxes
17 received by the political subdivision to pay for the covered service, less any previous
18 reductions made under this subdivision.

19 4. The requirement under subd. 2. or 3. does not apply if the governing body
20 of the political subdivision adopts a resolution that the levy limit should not be
21 reduced and if the resolution is approved in a referendum. The procedure under sub.
22 (4) applies to a referendum under this subdivision, except that the resolution and
23 referendum question need not specify an amount of increase in the levy limit or the

1 length of time for which the levy limit increase will apply and the referendum
2 question need not follow the question format under sub. (4) (c).”

3 (END)



State of Wisconsin
2013 – 2014 LEGISLATURE



LRBb0142/5
EVM:eev&jld:jm

LFB:.....Olin (FA) – Motion # 159; Levy limits; adjustment for certain fee revenue

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 631, line 7: delete lines 7 to 16 and substitute:

3 **“SECTION 1271m.** 66.0602 (2m) of the statutes is renumbered 66.0602 (2m) (a)
4 and amended to read:

5 66.0602 (2m) (a) If a political subdivision’s levy for the payment of any general
6 obligation debt service, including debt service on debt issued or reissued to fund or
7 refund outstanding obligations of the political subdivision and interest on
8 outstanding obligations of the political subdivision, on debt originally issued before
9 July 1, 2005, is less in the current year than it was in the previous year, the political
10 subdivision shall reduce its levy limit in the current year by an amount equal to the
11 amount that its levy was reduced as described in this subsection. This subsection

1 ~~does not apply to any political subdivision that does not increase its levy increase~~
2 ~~limit as allowed under sub. (3) (f) 1.~~

3 **SECTION 1271p.** 66.0602 (2m) (b) of the statutes is created to read:

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8 that are designated to pay for a covered service that was funded in 2013 by the levy
9 of the political subdivision, the political subdivision shall reduce its levy limit in the
10 current year by an amount equal to the estimated amount of fee revenue collected
11 for providing the covered service, less any previous reductions made under this
12 subdivision.

13 3. Except as provided in subd. 4, if a political subdivision receives payments in
14 lieu of taxes that are designated to pay for a covered service that was funded in 2013
15 by the levy of the political subdivision, the political subdivision shall reduce its levy
16 limit in the current year by the estimated amount of payments in lieu of taxes
17 received by the political subdivision to pay for the covered service, less any previous
18 reductions made under this subdivision.

19 4. The requirement under subd. 2. or 3. does not apply if the governing body
20 of the political subdivision adopts a resolution that the levy limit should not be
21 reduced and if the resolution is approved in a referendum. The procedure under sub.
22 (4) applies to a referendum under this subdivision, except that the resolution and
23 referendum question need not specify an amount of increase in the levy limit or the

1 length of time for which the levy limit increase will apply and the referendum
2 question need not follow the question format under sub. (4) (c).”.

3 (END)